

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claim 1 has been amended. Claims 1-5, 9, 11 and 15-17 are pending and under consideration.

### CLAIM REJECTIONS – 102 and 103

Claims 1-5, 9, 11 and 15-17 were rejected under 35 USC 103(a) as being unpatentable over Tamaru et al. (US 6,894,967) (hereinafter “Tamaru”).

Independent claims 1, 9 and 15 recite: “...wherein the received signal is from a channel receiver without an additional medium between the channel receiver and the disc drive.” Independent claim 1 has been amended to improve the form of the claim. In the Office Action, the Examiner notes that the use of a channel receiver is an obvious matter of design choice. This rejection is respectfully traversed. Although a channel receiver may be obvious, it is the technical feature of claims 1, 9 and 15 of not having an additional medium between the channel receiver and the disc drive that patentably distinguishes the present invention over the relied upon prior art, such as Tamaru. Specifically, since the medium must be additionally connected between the channel receiver and the disc drive, an environment setting task becomes complicated. Further, a transmission error such as a buffer underrun can occur because the signal outputted from the channel receiver is stored in the medium and then is transmitted to the disc drive. If the transmission error such as the buffer underrun occurs, data transmitted to the disc drive may be damaged.

By contrast, the technical feature of the disc drive according to claims 1, 9 and 15 controls a recording speed of data and a rotation speed of a spindle motor to adapt to a transmission speed of received data, thereby normally recording data received from a channel receiver on a disc without connecting an additional medium between the channel receiver and the disc drive. This further provides that any additional tasks required to provide the medium are not necessary, and transmission errors such as a buffer underrun can be prevented.

It is further respectfully submitted that it is well settled that an Examiner must provide sufficient reasoning to substantiate the claim of obvious design choice. See *In re Chu*, 66 F.3d 292, 36 USPQ2d 1089 (Fed. Cir. 1995). *In re Chu* is particularly on point to the present application since *In re Chu* concerned a missing component arranged in a particular way, that was eventually found to be non-obviousness, based partly on the technical reasoning in the

application. It is respectfully submitted that similar to In re Chu, the present application contains technical reasoning behind the feature of the independent claims where the received signal is from a channel receiver without an additional medium between the channel receiver and the disc drive.

Independent claims 1 and 15 also recite: "...a clock signal that is synchronized with a transmission speed of a received signal..." Also, claim 9 recites: "...a recording processing unit which converts the received signal into the recording data by synchronizing with a transmission speed of the received signal and provides the recording data to the pickup unit..." In contrast to claims 1, 9 and 15, Tamaru does not discuss that input "n" of EFM-CLK BR-GEN 100 is related to the transmission speed of a received signal, and instead merely discusses a desired ration N. See Tamaru, 2:13 and Figure 5. Accordingly, it is respectfully submitted that EFM-CLK BR-GEN 100 of Tamaru does not correspond to the function of generating a clock signal synchronized with a transmission speed of a received signal as recited in claims 1, 9 and 15.

Claims 2-5, 11, 16 and 17 depend on one of claims 1, 9 and 15, respectively, and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

## CONCLUSION

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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